

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

MARK MCEVOY, *et al.*,

Plaintiffs,

v.

DIVERSIFIED ENERGY COMPANY PLC,
et al.,

Defendants.

Civil Action No. 5:22-cv-00171-JPB
Judge John P. Bailey

**DIVERSIFIED’S ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFFS’ SECOND AMENDED CLASS ACTION COMPLAINT**

Diversified Energy Company PLC; Diversified Gas & Oil, PLC; Diversified Oil and Gas LLC; Diversified Production LLC; Diversified Gas & Oil Corporation; and Alliance Petroleum Corporation (collectively, “Diversified”),¹ file this Answer and Affirmative Defenses to the Second Amended Class Action Complaint (ECF No. 96) (the “SAC”) filed by the Plaintiffs in the above-captioned case. Any allegation is admitted only as to the specific facts and not as to any conclusion, characterization, or implication contained in the allegation or SAC as a whole. The SAC’s introductory paragraph, headings, unnumbered content, footnotes, recitations, and prayer for relief are not substantive allegations to which a response is required; to the extent these matters were intended as substantive allegations, Diversified denies those allegations. Subject to the foregoing, Diversified states as follows:

¹ As Plaintiffs are aware, (1) Diversified Gas & Oil, PLC now operates as Diversified Energy Company PLC; (2) Alliance Petroleum Corporation now operates as Diversified Production LLC; and (3) Diversified Oil and Gas LLC does not exist.

ANSWER

1. The allegations contained in this paragraph and footnote 1 state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph and accompanying footnote.

2. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

3. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

4. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

5. Diversified admits this case concerns transactions between Diversified and EQT that occurred in July 2018 and May 2020, but denies the remainder of this paragraph.

6. Diversified admits that Diversified paid EQT approximately \$642 million in exchange for approximately 12,000 gas wells. Diversified denies the remaining allegations contained in this paragraph.

7. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

8. Diversified denies the allegations in paragraph 8.

9. Diversified denies the allegations in paragraph 9.

10. Diversified is without sufficient knowledge or information to form a belief as to the truth of the allegation about EQT's practices. Diversified denies the remaining allegations in this paragraph.

11. Diversified admits that Diversified paid EQT approximately \$642 million in exchange for approximately 12,000 gas wells. Diversified denies the remaining allegations in this paragraph.

12. Diversified denies the allegations in paragraph 12.

13. Diversified denies the allegations in paragraph 13.

14. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

15. Diversified denies the allegations in paragraph 15.

16. Diversified denies the allegations in paragraph 16.

17. Diversified admits that the SAC was filed as a putative class action by the plaintiffs described in the SAC, but denies that Plaintiffs are entitled to any relief, either in their individual capacities or as class representatives. The remaining allegations state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the remaining allegations in this paragraph and accompanying footnote.

18. The allegations in this paragraph state legal conclusions to which no response is required.

19. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

20. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

21. Diversified admits Plaintiffs seek damages related to the plugging and decommission of wells on their property, but denies Plaintiffs are entitled to the relief sought. Diversified denies the remaining allegations in this paragraph.

22. The allegations in this paragraph state legal conclusions to which no response is required.

23. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

24. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

25. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

26. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

27. Diversified denies the allegations in paragraph 27.

28. Diversified denies the allegations in paragraph 28.

29. Diversified admits the allegations in paragraph 29.

30. Diversified denies the allegations in paragraph 30.

31. Diversified admits the allegations in paragraph 31.

32. Diversified admits Alliance Petroleum Company now operates as Diversified Production LLC. Diversified denies the remaining allegations in this paragraph.

33. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

34. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

35. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

36. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

37. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

38. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

39. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

40. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

41. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

42. Diversified denies the allegations in paragraph 42.

43. Diversified admits the allegations in paragraph 43.

44. Diversified admits that it valued the cost of plugging the transferred wells at \$26 million. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

45. Diversified denies the allegations in this paragraph and accompanying footnote.

46. Diversified denies the allegations in paragraph 46.

47. Diversified denies the allegations in paragraph 47.

48. Diversified denies the allegations in paragraph 48.

49. Diversified admits that its business model rarely involves drilling new wells.

Diversified further admits that its business model instead involves acquiring low producing wells and either extending their producing lives or plugging them at a low cost through its in-house plugging operations according to a schedule authorized by the West Virginia Office of Oil and Gas. To the extent Plaintiffs reference a portion of the Boettner Report, Diversified denies the accuracy of the premises and conclusions in the report.

50. Diversified denies the the allegations in paragraph 50.

51. Diversified denies the allegations in paragraph 51.

52. Diversified denies the allegations in paragraph 52.

53. Diversified denies the allegations in paragraph 53.

54. Diversified denies the allegations in paragraph 54.

55. Diversified denies the allegations in paragraph 55.

56. Diversified admits that it has entered into plugging schedules with certain state agencies. The remaining allegations in this paragraph concern legal conclusions to which no response is required, and to the extent a response is required Diversified denies the allegations. To the extent Plaintiffs quote or reference a portion of the Boettner Report, Diversified denies the accuracy of the premises and conclusions in the report. Diversified denies the remaining allegations in this paragraph and accompanying footnote.

57. Diversified denies the allegations in paragraph 57.

58. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

59. Diversified denies the allegations in paragraph 59.

60. Diversified denies the allegations in this paragraph and accompanying footnote, implied or otherwise.

61. Diversified denies the allegations in this paragraph and accompanying footnote, implied or otherwise.

62. Diversified denies the allegations in paragraph 62.

63. Diversified denies the allegations in paragraph 63.

64. Diversified denies the allegations in paragraph 64.

65. Diversified denies the allegations in paragraph 65.

66. Diversified denies the allegations in paragraph 66.

67. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

68. Diversified denies the allegations in paragraph 68.

69. Diversified denies the allegations in paragraph 69.

70. Diversified denies the allegations in paragraph 70.

71. Diversified admits it used Gain on Bargain Purchase accounting practices as appropriate or required. Diversified denies the remaining allegations in this paragraph.

72. Diversified denies the allegations in paragraph 72.

73. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

74. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

75. Diversified denies the allegations in paragraph 75.

76. Diversified denies the allegations in paragraph 76.

77. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

78. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

79. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

80. Diversified denies the allegations in paragraph 80.

81. Diversified denies the allegations in paragraph 81.

82. Diversified denies that methane leakage is a significant financial liability to Diversified. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

83. Diversified denies the allegations in paragraph 83.

84. Diversified denies the allegations in paragraph 84.

85. Diversified denies the allegations in paragraph 85.

86. Diversified denies the allegations in paragraph 86.

87. Diversified denies the allegations in paragraph 87.

88. Diversified denies the allegations in paragraph 88.

89. Diversified denies the allegations in paragraph 89.

90. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

91. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of the Boettner Report, Diversified denies the accuracy of the premises and conclusions in the report.

92. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

93. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

94. Diversified admits it purchased wells from EQT in 2012, 2018, and 2020. Diversified denies the remaining allegations in this paragraph.

95. To the extent Plaintiffs quote or reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph, implied or otherwise.

96. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

97. Diversified denies the allegations in paragraph 97.

98. Diversified denies the allegations contained in this paragraph.

99. Diversified denies the allegations in paragraph 99.

100. Diversified denies the allegations in paragraph 100.

101. Diversified denies the allegations in paragraph 101.

102. Diversified admits it is solvent and have been solvent at all relevant times. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that

document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

103. Diversified denies the allegations in paragraph 103.

104. Diversified denies the allegations in paragraph 104.

105. Diversified denies the allegations in paragraph 105.

106. Diversified denies the allegations in paragraph 106.

107. Diversified denies the allegations in paragraph 107.

108. Diversified denies the allegations in paragraph 108.

109. Diversified denies the allegations in paragraph 109.

110. Diversified denies the allegations in paragraph 110.

111. Diversified denies the allegations in paragraph 111.

112. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

113. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph and therefore denies them.

114. Diversified admits the allegations in paragraph 114.

115. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

116. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

117. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

118. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

119. Diversified admits the allegations in paragraph 119.

120. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

121. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

122. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

123. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

124. Diversified denies the allegations in paragraph 124.

125. Diversified admits the allegations in paragraph 123.

126. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

127. Diversified denies the allegations in paragraph 127.

128. Diversified denies the allegations in paragraph 128.

129. Diversified denies the allegations in paragraph 129.

130. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

131. Diversified denies the allegations in paragraph 131.

132. Diversified denies the allegations in paragraph 132.

133. Diversified denies the allegations in paragraph 133.

134. Diversified denies the allegations in paragraph 134.

135. Diversified denies the allegations in paragraph 135.

136. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

137. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

138. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

139. Diversified admits the allegations in paragraph 139.

140. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

141. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

142. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

143. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

144. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

145. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

146. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

147. Diversified denies that the wells are abandoned or no longer will be used for oil and gas production or activities related to the production and sale of oil and gas. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

148. Diversified admits the allegations in paragraph 148.

149. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

150. Diversified denies the allegations in paragraph 150.

151. Diversified denies the allegations in paragraph 151.

152. Diversified denies the allegations in paragraph 152.

153. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

154. Diversified denies the well is abandoned or that there is no bona fide future use for that well. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

155. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

156. Diversified denies the allegations in paragraph 156.

157. Diversified denies the allegations in paragraph 157.

158. Diversified denies the allegations in paragraph 158.

159. Diversified denies the allegations in paragraph 159.

160. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

161. Diversified admits the allegations in paragraph 161.

162. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

163. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

164. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

165. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

166. Diversified admits the allegations in paragraph 166.

167. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

168. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

169. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

170. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

171. Diversified denies the allegations in paragraph 171.

172. Diversified admits the allegations in paragraph 172.

173. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

174. Diversified admits the allegations in paragraph 174.

175. Diversified admits the allegations in paragraph 175.

176. Diversified admits the allegations in paragraph 176.

177. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

178. Diversified denies the allegations in paragraph 178.

179. Diversified denies the allegations in paragraph 179.

180. Diversified denies the allegations in paragraph 180.

181. Diversified denies the allegations in paragraph 181.

182. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

183. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

184. Diversified admits the allegations in paragraph 184.

185. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

186. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

187. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

188. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

189. Diversified admits the allegations in paragraph 189.

190. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

191. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

192. Diversified admits that the Office of the Oil and Gas lists the status of the wells as abandoned but denies that the wells are abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

193. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

194. Diversified denies the allegations in paragraph 194.

195. Diversified admits the allegations in paragraph 195.

196. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

197. Diversified denies the allegations in paragraph 197.

198. Diversified denies the allegations in paragraph 198.

199. Diversified denies the allegations in paragraph 199.

200. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

201. Diversified denies the allegations in paragraph 201.

202. Diversified denies the allegations in paragraph 202.

203. Diversified denies the allegations in paragraph 203.

204. Diversified

205. Diversified denies the allegations in paragraph 205.

206. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

207. Diversified admits the allegations in paragraph 207.

208. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

209. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

210. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

211. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

212. Diversified admits the allegations in paragraph 212.

213. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

214. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

215. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

216. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

217. Diversified denies the allegations in paragraph 217.

218. Diversified admits the allegations in paragraph 218.

219. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

220. Diversified denies the allegations in paragraph 220.

221. Diversified denies the allegations in paragraph 221.

222. Diversified denies the allegations in paragraph 222.

223. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

224. Diversified denies the allegations in paragraph 224.

225. Diversified denies the allegations in paragraph 225.

226. Diversified denies the allegations in paragraph 226.

227. Diversified denies the allegations in paragraph 227.

228. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

229. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without

sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

230. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

231. Diversified admits the allegations in paragraph 231.

232. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

233. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

234. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

235. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

236. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

237. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

238. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

239. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

240. Diversified denies that the wells are abandoned or no longer will be used for oil and gas production or activities related to the production and sale of oil and gas. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

241. Diversified admits the allegations in paragraph 241.

242. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

243. Diversified denies the allegations in paragraph 243.

244. Diversified denies the allegations in paragraph 244.

245. Diversified denies the allegations in paragraph 245.

246. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

247. Diversified denies the well is abandoned or that there is no bona fide future use for that well. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

248. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

249. Diversified denies the allegations in paragraph 249.

250. Diversified denies the allegations in paragraph 250.

251. Diversified denies the allegations in paragraph 251.

252. Diversified denies the allegations in paragraph 252.

253. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

254. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

255. Diversified admits the allegations in paragraph 255.

256. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

257. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

258. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

259. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

260. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

261. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

262. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

263. Diversified admits the allegations in paragraph 263.

264. Diversified denies the allegations in paragraph 264.

265. Diversified admits the allegations in paragraph 265.

266. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

267. Diversified denies the allegations in paragraph 267.

268. Diversified denies the allegations in paragraph 268.

269. Diversified denies the allegations in paragraph 269.

270. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

271. Diversified denies the allegations in this paragraph.

272. Diversified denies the allegations in paragraph 272.

273. Diversified denies the allegations in paragraph 273.

274. Diversified denies the allegations in paragraph 274.

275. Diversified admits the allegations in paragraph 275.

276. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

277. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

278. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

279. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

280. Diversified admits that it has reported production on wells 047-045-01532, 047-045-01646, and 047-045-01556 as recently as 2021. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation unless there is a bona fide future use for the well. Diversified however denies that that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 280.

281. Diversified denies the allegations in paragraph 281.

282. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

283. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

284. Diversified admits the allegations in paragraph 284.

285. Diversified admits the allegations in paragraph 285.

286. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

287. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

288. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

289. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

290. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

291. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

292. Diversified admits the allegations in paragraph 292.

293. Diversified denies the allegations in paragraph 293.

294. Diversified admits the allegations in paragraph 294.

295. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

296. Diversified denies the allegations in paragraph 296.

297. Diversified denies the allegations in paragraph 297.

298. Diversified denies the allegations in paragraph 298.

299. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

300. Diversified denies the allegations in this paragraph.

301. Diversified denies the allegations in paragraph 301.

302. Diversified denies the allegations in paragraph 302.

303. Diversified denies the allegations in paragraph 303.

304. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

305. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

306. Diversified admits the allegations in paragraph 306.

307. Diversified admits the allegations in paragraph 307.

308. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

309. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

310. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

311. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

312. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

313. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

314. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

315. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

316. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

317. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

318. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

319. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

320. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

321. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

322. Diversified admits the allegations in paragraph 322.

323. Diversified denies the allegations in paragraph 323.

324. Diversified admits the allegations in paragraph 324.

325. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

326. Diversified denies the allegations in paragraph 326.

327. Diversified denies the allegations in paragraph 327.

328. Diversified admits that it has reported production on wells 047-091-00720 and 047-091-00721. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation unless there is a bona fide future use for the well. Diversified however denies that that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 328.

329. Diversified denies the allegations in paragraph 329.

330. Diversified denies the allegations in paragraph 330.

331. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

332. Diversified denies the allegations in this paragraph.

333. Diversified denies the allegations in paragraph 333.

334. Diversified denies the allegations in paragraph 334.

335. Diversified denies the allegations in paragraph 335.

336. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

337. Diversified admits the allegations in paragraph 337.

338. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

339. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

340. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

341. Diversified admits that it reported natural gas production in 2021 for well 047-035-01615 and that it shut off and disconnected the well in 2018. Diversified however denies any implication that this well is abandoned under West Virginia law.

342. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

343. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

344. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

345. Diversified admits the allegations in paragraph 345.

346. Diversified denies the allegations in paragraph 346.

347. Diversified denies the allegations in paragraph 347.

348. Diversified admits the allegations in paragraph 348.

349. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

350. Diversified denies the allegations in paragraph 350.

351. Diversified denies the allegations in paragraph 351.

352. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

353. Diversified denies the allegations in paragraph 353.

354. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

355. Diversified denies the allegations in paragraph 355.

356. Diversified denies the allegations in paragraph 356.

357. Diversified denies the allegations in paragraph 357.

358. Diversified denies the allegations in paragraph 358.

359. Diversified denies the allegations in paragraph 359.

360. Diversified denies the allegations in paragraph 360.

361. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

362. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

363. Diversified admits the allegations in paragraph 363.

364. Diversified admits the allegations in paragraph 364.

365. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

366. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

367. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

368. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

369. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

370. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

371. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

372. Diversified denies the allegations in paragraph 372.

373. Diversified admits the allegations in paragraph 373.

374. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

375. Diversified denies the allegations in paragraph 375.

376. Diversified denies the allegations in paragraph 376.

377. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

378. Diversified denies the allegations in paragraph 378.

379. Diversified denies the allegations in paragraph 379.

380. Diversified denies the allegations in paragraph 380.

381. Diversified denies the allegations in paragraph 381.

382. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

383. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

384. Diversified admits the allegations in paragraph 384.

385. Diversified admits the allegations in paragraph 385.

386. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

387. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

388. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

389. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

390. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

391. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

392. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

393. Diversified denies the allegations in paragraph 393.

394. Diversified admits the allegations in paragraph 394.

395. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

396. Diversified denies the allegations in paragraph 396.

397. Diversified denies the allegations in paragraph 397.

398. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

399. Diversified denies the allegations in paragraph 399.

400. Diversified denies the allegations in paragraph 400.

401. Diversified denies the allegations in paragraph 401.

402. Diversified denies the allegations in paragraph 402.

403. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

404. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

405. Diversified admits the allegations in paragraph 405.

406. Diversified admits the allegations in paragraph 406.

407. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

408. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

409. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

410. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

411. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

412. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

413. Diversified admits the allegations in paragraph 413.

414. Diversified denies the allegations in paragraph 414.

415. Diversified admits the allegations in paragraph 415.

416. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

417. Diversified denies the allegations in paragraph 417.

418. Diversified denies the allegations in paragraph 418.

419. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

420. Diversified denies the allegations in paragraph 420.

421. Diversified denies the allegations in paragraph 421.

422. Diversified denies the allegations in paragraph 422.

423. Diversified denies the allegations in paragraph 423.

424. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

425. Diversified admits the allegations in paragraph 425.

426. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

427. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

428. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

429. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

430. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

431. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

432. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

433. Diversified denies the allegations in paragraph 433.

434. Diversified admits the allegations in paragraph 434.

435. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

436. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

437. Diversified denies the allegations in paragraph 437.

438. Diversified denies the allegations in paragraph 438.

439. Diversified denies the allegations in paragraph 439.

440. Diversified denies the allegations in paragraph 440.

441. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

442. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

443. Diversified admits the allegations in paragraph 443.

444. Diversified admits the allegations in paragraph 444.

445. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

446. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

447. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

448. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

449. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

450. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

451. Diversified admits the allegations in paragraph 451.

452. Diversified denies the allegations in paragraph 452.

453. Diversified admits the allegations in paragraph 453.

454. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

455. Diversified denies the allegations in paragraph 455.

456. Diversified denies the allegations in paragraph 456.

457. Diversified denies the allegations in paragraph 457.

458. Diversified denies the allegations in paragraph 458.

459. Diversified denies the allegations in paragraph 459.

460. Diversified denies the allegations in paragraph 460.

461. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

462. Diversified denies the allegations in this paragraph.

463. Diversified denies the allegations in paragraph 463.

464. Diversified denies the allegations in paragraph 464.

465. Diversified denies the allegations in paragraph 465.

466. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

467. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

468. Diversified admits the allegations in paragraph 468.

469. Diversified admits the allegations in paragraph 469.

470. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

471. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

472. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

473. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

474. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

475. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

476. Diversified admits that the Office of the Oil and Gas lists the status of the wells as abandoned but denies that the wells are abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

477. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

478. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

479. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

480. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

481. Diversified denies the allegations in paragraph 481.

482. Diversified admits the allegations in paragraph 482.

483. Diversified denies the allegations in paragraph 483.

484. Diversified denies the allegations in paragraph 484.

485. Diversified denies the allegations in paragraph 485.

486. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

487. Diversified denies the allegations in this paragraph.

488. Diversified denies the allegations in paragraph 488.

489. Diversified denies the allegations in paragraph 489.

490. Diversified denies the allegations in paragraph 490.

491. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

492. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

493. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

494. Diversified admits the relevant wells produced less than 2 BOED equivalent in the last three years. Diversified denies the remaining allegations in paragraph 494.

495. Diversified admits that these five wells currently report mineral production. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation unless there is a bona fide future use for the well. Diversified however denies that that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 495.

496. Diversified denies the allegations in paragraph 496.

497. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

498. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

499. Diversified admits the allegations in paragraph 499.

500. Diversified admits the allegations in paragraph 500.

501. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

502. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

503. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

504. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

505. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

506. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

507. Diversified admits the allegations in paragraph 507.

508. Diversified denies the allegations in paragraph 508.

509. Diversified admits the allegations in paragraph 509.

510. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

511. Diversified denies the allegations in paragraph 511,

512. Diversified denies the allegations in paragraph 512.

513. Diversified denies the allegations in paragraph 513.

514. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

515. Diversified denies the allegations in paragraph 515.

516. Diversified denies the allegations in paragraph 516.

517. Diversified denies the allegations in paragraph 517.

518. Diversified denies the allegations in paragraph 518.

519. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

520. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

521. Diversified admits the allegations in paragraph 521.

522. Diversified admits the allegations in paragraph 522.

523. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

524. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

525. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

526. Diversified admits that the Office of the Oil and Gas lists the status of well 07-091-00983 as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

527. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

528. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

529. Diversified admits the allegations in paragraph 529.

530. Diversified denies the allegations in paragraph 530.

531. Diversified admits the allegations in paragraph 531.

532. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

533. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

534. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

535. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

536. Diversified denies the allegations in paragraph 536.

537. Diversified denies the allegations in paragraph 537.

538. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

539. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

540. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

541. Diversified admits that it has reported production on wells 047-091-00983, 047-091-00858, and 047-091-00855. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation unless there is a bona fide future use for the well. Diversified however denies that that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 541.

542. Diversified denies the allegations in paragraph 542.

543. Diversified denies the allegations in paragraph 543.

544. Diversified denies the allegations in paragraph 544.

545. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

546. Diversified denies the allegations in paragraph 546.

547. Diversified denies the allegations in paragraph 547.

548. Diversified denies the allegations in paragraph 548.

549. Diversified denies the allegations in paragraph 549.

550. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

551. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

552. Diversified admits the allegations in paragraph 552.

553. Diversified admits the allegations in paragraph 553.

554. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

555. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

556. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

557. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

558. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

559. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

560. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

561. Diversified denies the allegations in paragraph 561.

562. Diversified admits the allegations in paragraph 562.

563. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

564. Diversified denies the allegations in paragraph 564.

565. Diversified denies the allegations in paragraph 565.

566. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

567. Diversified denies the allegations in paragraph 567.

568. Diversified denies the allegations in paragraph 568.

569. Diversified denies the allegations in paragraph 569.

570. Diversified denies the allegations in paragraph 570.

571. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

572. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

573. Diversified admits the allegations in paragraph 573.

574. Diversified admits the allegations in paragraph 574.

575. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

576. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

577. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

578. Diversified admits that the Office of the Oil and Gas lists the status of well 47-079-00966 as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

579. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

580. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

581. Diversified admits the allegations in paragraph 581.

582. Diversified denies the allegations in paragraph 582.

583. Diversified admits the allegations in paragraph 583.

584. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

585. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

586. Diversified denies the allegations in paragraph 586.

587. Diversified denies the allegations in paragraph 587.

588. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

589. Diversified denies the allegations in paragraph 589.

590. Diversified denies the allegations in paragraph 590.

591. Diversified denies the allegations in paragraph 591.

592. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified admits that Plaintiffs have characterized the Class in the manner alleged.

593. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified admits that Plaintiffs have characterized the Class in the manner alleged.

594. Diversified denies the allegations in paragraph 594.

595. Diversified denies the allegations in paragraph 595.

596. Diversified denies the allegations in paragraph 596.

597. Diversified denies the allegations in paragraph 597.

598. Diversified denies the allegations in paragraph 598.

599. Diversified denies the allegations in paragraph 599.

600. Diversified denies the allegations in paragraph 600.

601. Diversified denies the allegations in paragraph 601.

602. Diversified denies the allegations in paragraph 602.

603. Diversified denies the allegations in paragraph 603.

604. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–603 by reference as if fully stated verbatim herein.

605. Diversified denies the allegations in paragraph 605.

606. Diversified admits that its wells physically occupy Plaintiffs' properties. Diversified denies the remaining allegations in paragraph 606.

607. Diversified denies the allegations in paragraph 607.

608. Diversified denies the allegations in paragraph 608.

609. Diversified denies the allegations in paragraph 609.

610. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

611. Diversified denies the allegations in paragraph 611.

612. Diversified denies the allegations in paragraph 612.

613. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–613 by reference as if fully stated verbatim herein.

614. Diversified denies the allegations in paragraph 614.

615. Diversified denies the allegations in paragraph 615.

616. Diversified denies the allegations in paragraph 616.

617. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–617 by reference as if fully stated verbatim herein.

618. Diversified denies the allegations in paragraph 618.

619. Diversified denies the allegations in paragraph 619.

620. Diversified denies the allegations in paragraph 620.

621. Diversified denies the allegations in paragraph 621.

622. Diversified denies the allegations in paragraph 622.

623. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–623 by reference as if fully stated verbatim herein.

624. Diversified denies the allegations in paragraph 624.

625. Diversified denies the allegations in paragraph 625.

626. Diversified denies the allegations in paragraph 626.

627. Diversified denies the allegations in paragraph 627.

628. Diversified denies the allegations in paragraph 628.

629. Diversified denies the allegations in paragraph 629.

630. Diversified denies the allegations in paragraph 630.

631. Diversified denies the allegations in paragraph 631.

632. Diversified denies the allegations in paragraph 632.

633. Diversified denies the allegations in paragraph 633.

634. Diversified denies the allegations in paragraph 634.

635. Diversified denies the allegations in paragraph 635.

- 636. Diversified denies the allegations in paragraph 636.
- 637. Diversified denies the allegations in paragraph 637.
- 638. Diversified denies the allegations in paragraph 638.
- 639. Diversified denies the allegations in paragraph 639.
- 640. Diversified denies the allegations in paragraph 640.
- 641. Diversified denies the allegations in paragraph 641.
- 642. Diversified denies the allegations in paragraph 642.
- 643. Diversified denies the allegations in paragraph 643.

PLAINTIFFS' PRAYER FOR RELIEF

1. Diversified denies that Plaintiffs are entitled to any relief sought in their individual capacities or on behalf of a class, and objects to the relief requested in subparagraphs 1–11.

AFFIRMATIVE DEFENSES

Diversified submits the following affirmative defenses to the allegations and claims Plaintiffs assert in the SAC. By pleading these defenses, Diversified does not assume the burden of proof, except as to those defenses deemed by law to be affirmative defenses, irrespective of how they are pleaded in this Answer.

FIRST DEFENSE

(Failure to State a Claim)

Plaintiffs have failed to state a claim for which relief can be granted and their claim should be dismissed as a matter of law.

SECOND DEFENSE

(Failure to Join Indispensable Parties)

Plaintiffs' claims cannot be sustained because Plaintiffs have failed to join necessary parties, without which Plaintiffs' claims cannot be adjudicated.

THIRD DEFENSE

(Failure to Meet Rule 23 Requirements)

Plaintiffs' claims, purported to be brought on behalf of putative classes of property owners, cannot be sustained as a class action and do not meet the requirements of Federal Rule of Civil Procedure 23.

FOURTH DEFENSE

(Failure to Meet Rule 23 Requirements)

Plaintiffs' claims, purported to be brought on behalf of putative classes of property owners, cannot be sustained as a class action and do not meet the requirements of Federal Rule of Civil Procedure 23.

FIFTH DEFENSE

(Statute of Limitations and Laches)

Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations and/or the doctrine of laches. Plaintiffs' claims are stale and were brought after an unreasonable delay in asserting Plaintiffs' rights.

SIXTH DEFENSE

(Improper Collateral Attack)

Plaintiffs' claims are barred in whole or in part because they constitute an improper collateral attack on the Office of Oil and Gas's consent order establishing that Diversified is not currently obligated to plug the relevant wells and may instead proceed on an authorized schedule.

SEVENTH DEFENSE

(Preemption)

Plaintiffs' claims that are barred in whole or in part because Diversified cannot plug any wells without the Office of Oil and Gas's approval and Plaintiffs' requested relief that Diversified

plug all wells immediately would interfere with the Office of Oil and Gas's supervisory authority.
See W. Va. Code § 22-6-28.

EIGHTH DEFENSE

(Compliance with Statutes and Regulations)

Plaintiffs' claims are barred in whole and in part because the Office of Oil and Gas, which is charged with establishing the scope of any duty to plug wells, has already determined that Diversified has no current duty to plug the relevant wells. *See* W. Va. Code § 22-6-19.

NINTH DEFENSE

(Failure to Meet AFTA and AUVTA Requirements)

Plaintiffs' actual and constructive fraudulent transfer claims cannot be sustained because Plaintiffs are not creditors under the Alabama Fraudulent Transfer Act and Alabama Uniform Voidable Transactions Act. Additionally, Plaintiffs cannot establish the need to void the transactions in order to recoup payment from Diversified. Finally, Plaintiffs assert claims based on the incurring of an obligation, not the transfer of an asset; there is no provision that authorizes the assertion of such a claim under the statutes at issue.

TENTH DEFENSE

(Lack of Ripeness)

Claims brought by Plaintiffs with currently producing wells are premature because there is currently no obligation to plug those well currently producing oil and/or natural gas and those Plaintiffs suffer no current damages as a result of any failure to plug those wells.

ELEVENTH DEFENSE

(Waiver)

Plaintiffs cannot prevail on their trespass, nuisance, or negligence claims because they knowingly and intentionally waived any argument respecting the wells on their property. Likewise, Plaintiffs are estopped from asserting these claims or recovering damages for the same.

TWELFTH DEFENSE

(Leases)

Plaintiffs cannot prevail on their trespass, nuisance, or negligence claims because their alleged surface rights are subservient to Diversified's mineral rights and corresponding surface rights, whether created by contract or by operation of law.

THIRTEENTH DEFENSE

(Discharge)

Plaintiffs cannot prevail on their claims because they have been discharged in bankruptcy. Plaintiffs claim they became contingent, unmatured creditors the instant the wells were drilled and contingent, unmatured claims related to the well liabilities have been discharged as a result of bankruptcy proceedings.

FOURTEENTH DEFENSE

(Unclean Hands)

Plaintiffs cannot prevail on their claims because they have unclean hands and, due to the nature of their conduct, cannot justly prevail on their claims or recover damages in this case.

FIFTEENTH DEFENSE

(Failure to Mitigate, Offset, or Set-off)

Plaintiffs are not entitled to the full damages that they seek because they have failed to mitigate their damages or their claimed damages are subject to an offset based on Plaintiffs' conducts or payments made to Plaintiffs to-date.

RESERVATION OF RIGHTS AND DEFENSES

Diversified has not waived any applicable defenses, and it reserves the right to assert and rely on such other applicable defenses as may become available or apparent during these proceedings. Diversified reserves the right to amend its Answer and Defenses accordingly.

PRAYER FOR RELIEF

Diversified requests that the Court grant judgment against Plaintiffs on all claims asserted in the SAC; enter judgment in favor of Diversified; dismiss the SAC with prejudice; award Diversified its costs and attorneys' fees incurred in defending this action, according to law and contract; and grant such other and further relief as the Court deems just and proper.

Respectfully submitted:

Dated: April 24, 2023

/s/ Howard Persinger, III

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and Alliance Petroleum Corporation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 24, 2023 a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Howard M. Persinger
Howard M. Persinger, III